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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Placer)

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ROBERT STEPHENSON,

Defendant and Appellant.

C087205

(Super. Ct. No. SCV0037867)

Defendant William Stephenson appeals from the trial court's order revoking his outpatient sexually violent predator (SVP) conditional release and reinstating inpatient treatment. Defendant's appellate counsel filed a brief pursuant to *Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 544, setting forth the basic facts and procedural history of the case. Defendant thereafter filed a supplemental brief asserting that the trial court (1) violated his right to equal protection by applying the wrong standard of proof, and (2) violated his right to substantive due process because defendant had a significant liberty interest in his conditional release.

Finding no merit in defendant's contentions, we will affirm the trial court's order.

BACKGROUND

Defendant was originally admitted to Coalinga State Hospital in December 2009 and conditionally released from that hospital in 2014. In May 2017, the Conditional Release Program (CONREP) petitioned to have defendant's outpatient status revoked. At the hearing for revocation of that conditional release, evidence was presented that defendant violated terms of release, including that he possessed pictures depicting sex acts with underage girls, accessed adult pornography, deleted items from his computer and his phone, possessed an unauthorized electronic device, installed software designed to mask his online activity, and accessed the internet without permission. Given defendant's rule violations, the executive director of CONREP testified that defendant was at risk to reoffend and should be returned for inpatient treatment.

The trial court found that defendant had a severe mental disorder that was not in remission, posed a danger to the community, and was at increased risk to reoffend. It revoked his outpatient status and ordered his return to Coalinga State Hospital.

DISCUSSION

I

Defendant argues the trial court violated his right to equal protection by applying the wrong standard of proof. He claims the trial court should have required proof beyond a reasonable doubt.

In *People v. DeGuzman* (1995) 33 Cal.App.4th 414, 419-420 (*DeGuzman*), the court held a preponderance of the evidence standard is appropriate in considering Penal Code section 1608 and section 1609 revocation requests. (*DeGuzman*, at pp. 419-420.) “Like revocation of probation, revocation of outpatient status under either section does not deprive a person of absolute liberty but rather deprives him of a conditional liberty to which he is entitled only if he observes special restrictions. Although revocation of outpatient status requires due process, it is not part of a criminal prosecution requiring the higher standard of proof.” (*Ibid.*)

Here, the trial court applied the correct standard. Defendant's contention lacks merit.

II

Defendant further argues that the trial court violated his right to substantive due process because defendant had a significant liberty interest in his conditional release. He cites *People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774, which noted that because civil commitment involves a deprivation of liberty, a defendant in an SVP proceeding is entitled to due process protection, and once a court determines an SVP is not a danger to others, the SVP has a liberty interest in being released. (*Id.* at pp. 788-789.)

But nothing in *Karsai* alters the fact that defendant's release was conditional. (See *DeGuzman, supra*, 33 Cal.App.4th at pp. 419-420.) Because defendant failed to abide by the terms of his conditional release, he was properly subject to a return to his commitment. Once again, defendant's argument lacks merit.

DISPOSITION

The trial court's order is affirmed.

/S/
MAURO, J.

We concur:

/S/
RAYE, P. J.

/S/
ROBIE, J.